

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-379-D

CHARLES W. MITCHELL
and ROBERT H. MITCHELL,

Plaintiffs,

v.

GRAINCOMM II, LLC, et al.,

Defendants.


ORDER

On July 22, 2022, Global Signal Acquisitions LLC's ("GSA") moved for partial judgment on the pleadings [D.E. 75] and filed a memorandum in support [D.E. 76]. Plaintiffs did not respond to the motion.

The court has considered the motion, the memorandum, the pleadings, the arguments, and the governing law. The court grants GSA's motion and enters judgment on the pleadings for GSA as to plaintiffs' third cause of action for unfair and deceptive trade practices ("UDTPA claim") and plaintiffs' prayer for punitive damages. The four-year statute of limitations contained in N.C. Gen. Stat. § 75-16.2 bars plaintiffs' UDTPA claim because the UDTPA claim accrued more than four years before this action was filed. Moreover, plaintiffs do not plausibly allege aggravating factors by GSA that rise to the level required to merit punitive damages under North Carolina law. See N.C. Gen. Stat. § 1D-15.

In sum, the court GRANTS defendant Global Signal Acquisitions LLC's motion for partial judgment on the pleadings [D.E. 75] and DISMISSES plaintiffs' UDTPA claim and request for punitive damages against Global Signal Acquisitions LLC.

SO ORDERED. This 9 day of December, 2022.


JAMES C. DEVER III
United States District Judge